

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

LORI HELING,

Plaintiff,

v.

Case No. 15-CV-1274-JPS

CREDITORS COLLECTION SERVICE
INC.,

ORDER

Defendant.

On January 23, 2017, a judgment was entered for Plaintiff and against Defendant in the amount of \$500.00. (Docket #65). On March 28, 2017, the Clerk of the Court taxed costs against Defendant in the amount of \$2,085.70. (Docket #76). On June 12, 2017, the Court ordered Defendant to pay Plaintiff \$36,190.80 for her attorneys' fees. (Docket #77). As of today's date, Defendant has not paid any of these sums.

On October 20, 2017, Plaintiff asked the Court to include the bill of costs and the fee award in a judgment in order to facilitate payment from Defendant. (Docket #78). The Court declined, as such amounts are not generally included in judgments. (Docket #79). On November 10, 2017, Plaintiff filed a motion for sanctions against Defendant and its owner, Donald Waage ("Waage"). (Docket #80). Plaintiff complains that she has not been paid, and that Waage has significantly reduced Defendant's assets in order to avoid payment. *Id.*

The best course for addressing Plaintiff's concern is a reconsideration of the Court's prior order. Though the Court's usual practice is not to amend judgments to provide for attorneys' fees, such

action is not prohibited. *See RMA Ventures Cal. v. SunAmerica Life Ins. Co.*, 576 F.3d 1070, 1073 (10th Cir. 2009). A scenario requiring departure from this norm is rarely required, as litigants generally do not ignore the letter or spirit of this Court's orders, whatever particular form the orders take. Unfortunately, Defendant and Waage appear to have taken that approach. The Court will, therefore, issue an amended judgment reflecting Plaintiff's entitlement to her damages, costs, and fees.

This ruling moots Plaintiff's request for sanctions and contempt. Plaintiff now has a money judgment which is not subject to enforcement via those mechanisms. *United States v. \$6,600 in United States Currency*, Civ. No. 6:12-CV-01624-MC, 2015 WL 6757608, at *2 (D. Ore. Nov. 4, 2015). Rather, Plaintiff must use the normal means for obtaining payment of a judgment—execution. *See Fed. R. Civ. P. 69(a)(1); RMA Ventures*, 576 F.3d at 1074.

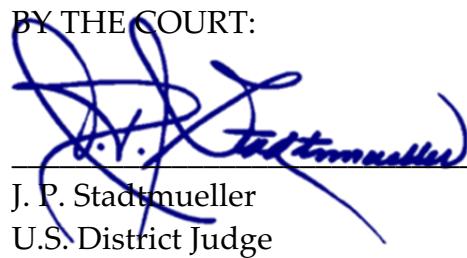
Accordingly,

IT IS ORDERED that the Clerk of the Court shall amend the Court's judgment of January 23, 2017 (Docket #65) to include the additional items of costs and attorneys' fees, in accordance with the terms of this Order; and

IT IS FURTHER ORDERED that Plaintiff's motion for sanctions and contempt (Docket #80) be and the same is hereby **DENIED as moot**.

Dated at Milwaukee, Wisconsin, this 19th day of January, 2018.

BY THE COURT:



J. P. Stadtmueller
U.S. District Judge